

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

1) HYEON SIK GANG,)
Plaintiff,)
v.)
1) OSAKA SUSHI KDBT INC, an)
Oklahoma Corporation;)
2) KHANG and 3) KIM, individuals,)
Defendants.)

JUN 19 2012
Phil Lombardi, Clerk
U.S. DISTRICT COURT
Case No.: 12 CV - 348 TCK TLW
ATTORNEYS' LIEN CLAIMED
JURY TRIAL DEMANDED
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COMPLAINT

COMES NOW Plaintiff and for his claim and cause of action against the Defendants and each of them states and alleges:

1. Plaintiff, Hyeon Sik Gang, is a resident of Tulsa County, Oklahoma.
2. Defendant Osaka Sushi KDBT Inc is a corporation organized and existing under the laws of the State of Oklahoma.
3. Defendants Khang and Kim are residents of Tulsa County, State of Oklahoma.
4. Jurisdiction is invoked pursuant to 28 U.S.C. § 1331 in that this action arises under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.* ("FLSA").
5. At all times material herein, Defendant Osaka Sushi was an employer subject to all the terms and conditions of the FLSA
6. From December, 2009, and into April, 2012, Plaintiff was an employee of

Sebby

the corporate Defendant and the individual Defendants acted in the interests of the corporate Defendant with regard to Plaintiff's employment. During such time Plaintiff worked numerous hours in excess of 40 per week for which he was not compensated at the premium pay required by Section 7 of the FLSA.

7. As a result, Plaintiff is owed approximately \$13,000 in unpaid wages.
8. In addition, the failure by Defendants to pay premium pay for overtime was willful so as to subject them to a three year statute of limitations and was not in good faith so as to subject them to liability for liquidated damages.

WHEREFORE, premises considered, Plaintiff prays for judgment against Defendants and each of them in the sum of \$26,000, interest, costs, attorneys' fees, and such other and further relief to which he is deemed entitled.

Respectfully submitted,

FRASIER, FRASIER & HICKMAN, LLP

By:



Steven R. Hickman, OBA #4172
1700 Southwest Blvd.
Tulsa, OK 74107
Phone: (918) 584-4724
Fax: (918) 583-5637
E-mail: frasier@tulsa.com